

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 02-30043-MAP
)
 (1) ALEKSEI SAFANOV,)
 (2) IVAN TELEGUZ,)
 (3) ROMAN ZHIRNOV,)
 (4) ANDREY BUYNOVSKIY,)
 (5) MICHAEL QUICKEL,)
 Defendants.)

PARTIES' JOINT MEMORANDUM
PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, and counsel for the defendants, hereby file their joint memorandum pursuant to Local Rule 116.5(A) :

1. Relief has been granted from the otherwise applicable timing requirements imposed by L.R. 116.3 so that the parties could engage in additional discovery. There is a pending discovery motion before the Court on behalf of Aleksei Safanov.

The parties will report to the Court orally on the status of tape transcription.

Since the last status conference, Mr. Teleguz was arrested on state murder related charges and is being held in custody in Virginia.

2. Other than Mr. Teleguz and Mr. Safanov, the remaining three defendants have not sought discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(E). The government and the defendants agree to confer and attempt to agree to provide appropriate expert discovery.

3. Both the government and the defense agree to confer with respect to discovery issues should either side receive additional information, documents, or reports of examinations or tests. Since the last status conference, the government has made appropriate discovery with respect to cooperating witness Carlos Ortiz.

4. The defendants will inform the Court at the status conference tomorrow as to whether they wish to file motions and whether it is appropriate to establish a motion schedule under Fed. R. Crim. P. 12(c) at this time.

5. Due to the amount of discovery in this case, including many tape recordings, the need for transcriptions, and the need for the defendants to review the discovery and consider their legal options, the defense and the government agree that all of the time from the date of the return of the second superseding indictment until the date of the next status conference should be excluded under the Speedy Trial Act.

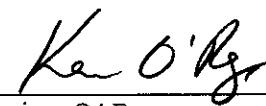
6. The parties do not know whether a trial will be necessary. A trial should take one week.

7. Unless additional issues are raised at the status conference, a final status conference may be scheduled.

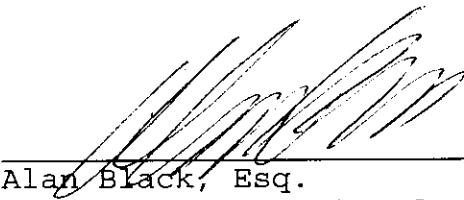
Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

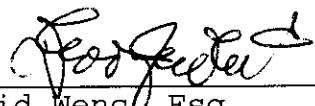
by:



Kevin O'Regan
Assistant U.S. Attorney



Alan Black, Esq.
Counsel for Alexei Safanov



David Wenc, Esq.
Counsel for Ivan Teleguz



Charles J. Sclafani, Jr., Esq.
Counsel for Roman Zhirnov



Joseph D. Bernard, Esq.
Counsel for Andrey Buynovskiy



Richard J. Maggi, Esq.
Counsel for Michael Quickel

Date: September 9, 2004